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ART. V. — *Memoirs, Letters, and Speeches of ANTHONY ASHLEY COOPER, first EARL OF SHAFTESBURY, Lord Chancellor, with other Papers illustrating his Life. From his Birth to the Restoration.* Edited by WILLIAM DOUGAL CHRISTIE, ESQ., her Majesty's Envoy Extraordinary and Minister Plenipotentiary in Brazil. London: John Murray. 1859. 8vo. pp. lxii. and 224.

WHILE Lord Shaftesbury was a prisoner in the Tower, on a charge of high treason, his character was drawn by Dryden with all the bitterness of invective which partisan malice and theological rancor can inspire. The sketch had, however, a sharpness of outline and a brilliancy of coloring which have preserved it from the usual fate of party libels; and the general fidelity of its portraiture has been recognized by subsequent writers. Indeed, in our own time, and not many years ago, a much greater man than Dryden, the late Lord Macaulay, drew a scarcely less memorable portrait of the false Achitophel, describing him in a few vigorous touches as surpassing all his contemporaries, except Halifax, in "talents, address, and influence," while "his life was such that every part of it reflects infamy on every other." But occasionally some intrepid biographer has sought to rebuild Shaftesbury's shattered reputation, and to present him to other hero-worshippers, if not as a fit object for admiration, yet as one whose character was not quite so black as it has been commonly represented. Such is avowedly the design of Mr. Christie. He had early formed the purpose of writing a new Life of Shaftesbury, and had made some progress in the collection of materials, when the present Earl gave him access to the family papers at St. Giles, with permission to make use of them in any way which he might think desirable. He does not appear to have found there anything of importance, though his collection comprises some interesting papers which have been closely guarded for several generations. A portion of these documents are printed in the volume before us, and in his Preface Mr. Christie expresses a hope that he may be able to publish the remainder at

no very distant time ; but his Life of Shaftesbury must be regarded as indefinitely postponed.

The principal paper brought to light by Mr. Christie's researches is an autobiographical account of Shaftesbury's early life, extending from his birth to 1639, and containing, among other interesting matters, the racy sketch of an English squire which was first printed in "The Connoisseur," about the middle of the last century. Following this are a shorter autobiographical sketch, extending from Shaftesbury's birth to 1646, and a diary coming down to July, 1650 ; but neither of these contains anything of much interest or importance, and the diary is noticeable only for the extreme brevity of the entries, and for the entire omission of any reference to political topics. The other papers in the volume are two extracts relating to the events of 1640, reprinted from Lord King's Life of Locke ; some suppressed passages of Ludlow's Memoirs, from the Locke Papers ; Shaftesbury's speeches in the second session of Oliver Cromwell's last Parliament, and in the Parliament held by Richard Cromwell, reprinted, with a single exception, from Burton's Diary ; and a few letters and papers relating to the events between 1643 and 1645, and between 1657 and 1660. To them Mr. Christie has prefixed a minute examination of the first chapter of Lord Campbell's Life of Shaftesbury, in which some striking errors are detected, though it must be conceded that most of the criticism is mere word-picking ; and he has also added a copious body of illustrative notes, containing some curious details and much abuse of Martyn's Life of Shaftesbury. Mr. Christie's materials are certainly very meagre, and for the most part of very little importance ; but he has corrected some errors of preceding writers ; and he has evidently bestowed much labor on the attempt to throw new light on Shaftesbury's life and character. It is not his fault that Shaftesbury's reputation is not likely to be much benefited by his researches.

Anthony Ashley Cooper, created by Charles II. first Earl of Shaftesbury, was born at Wimborne St. Giles, in Dorsetshire, on the 22d of July, 1621, and was the eldest child then living of Sir John Cooper, Baronet. His mother was the only daughter of Sir Anthony Ashley, Baronet, a man of considera-

ble wealth and influence, and of an ancient and distinguished family, which had been settled in Dorsetshire for nearly two centuries. At the age of seven his mother died, leaving two children younger than Anthony, and before he was ten years old his father also died. The boy was thus thrown on the world without parental care at one of the most critical periods of childhood, while his property became the prey, in part of a rapacious kinsman, and in part of his father's creditors, who stripped him of a considerable portion of his inheritance. He was early involved in lawsuits, and some of the animosities thus kindled were never extinguished. But he was not wholly friendless, and his guardians bestowed proper care on his education. He had several private tutors, and at the age of sixteen he was entered of Exeter College, Oxford. Here he appears to have made himself very popular, by his agreeable manners, and by his spirit in resisting an attempt to weaken the college beer and in putting an end to a barbarous practice of the Seniors toward the Freshmen ; but of his rank as a scholar we know nothing. In 1638, and before leaving college, he was entered a student of Lincoln's Inn. He did not, however, pay much attention to the study of the law, though he was at a subsequent period very assiduous in the discharge of his duties as a county magistrate.

Shortly afterward he determined to marry, and, after considering several propositions that were made to him, he resolved to pay his addresses to Margaret, one of Lord Keeper Coventry's daughters.

"And notwithstanding I was very young and unexperienced in love affairs," he says in the Autobiographical Fragment, "yet the prudence and affection of the lady I addressed to overlooked that, and made a judgment what I was like to be for a man or a husband, rather than how good love speeches I then made ; for I did that very ill, was very talkative, and good company to her sisters, but my love to her gave me that desire to seem excellent that I could say nothing, insomuch that her mother and they suspected that I was more inclined to one of them ; but that being cleared, all matters went successfully on, and we were married."

His marriage took place on the 25th of February, 1639, before he was eighteen years old ; and until the death of his

father-in-law, in the following January, he lived for the greater part of the time with his wife's family. Here, as Lord Campbell humorously suggests, he probably acquired the very limited knowledge of the law which was all that he ever possessed. While a member of his father-in-law's family, and for a year or two afterward, he spent a considerable time in travelling in the north and west of England. In these excursions he neglected no opportunity of making personal friends by his courteous manners and by his attention to the principal inhabitants of the places which he visited. Tewkesbury was one of those places, and while there he attended a dinner given by the bailiffs, at which he contrived to ingratiate himself in their favor to such an extent, that at the next election he was chosen a member of the House of Commons. Though he was not of age, he took his seat in the Short Parliament which met in April, 1640, and he is said to have been very regular in his attendance; but the Parliamentary History contains no evidence that he participated in the debates.

For some unknown reason, he was not elected by his constituents to the Long Parliament; and he also failed to obtain a seat for Downton, where he offered himself as a candidate. A double return was made, and, though he used every exertion to procure admission, he was unsuccessful; nor was it until the Commonwealth was destroyed, and the Rump was restored, that he became a member of that memorable assembly. During this period, however, he was not idle. A man of his energetic and restless spirit could scarcely fail to act a conspicuous part at all times. But the part which he took during the Civil War, and under the Commonwealth, is chiefly noticeable as illustrating his versatility and his unscrupulousness, and need not detain us long. It is true, indeed, that he was always wise above his years; but it was not until a later period that he began to show the wonderful prescience which constituted one of the chief sources of his power, and which bore him triumphantly through the thickest perils. Added to this he was still young, without fixed principles, out of Parliament, and in no position of marked influence. It was as a partisan leader in some enterprises of minor importance, and as a county magistrate, and not in the department of political intrigue, that he made himself felt.

At this time he was an ardent supporter of Charles, and we know from his own record that he was present at the setting up of the royal standard at Nottingham. Both in public and in private he advocated the King's cause, and assailed the acts of the Parliament; and so persuasive was his eloquence, that he even induced the town of Weymouth to expel the Parliamentary garrison, and to accept him as royal governor. But having been superseded, he determined to forsake the King's party, and to look elsewhere for the means of gratifying his ambition, though Mr. Christie stoutly denies that the change was thus sudden and radical. The evidence, however, on which the charge rests is too strong to be overthrown, and it is certain that Sir Anthony Cooper, either from wounded vanity or from a belief that the royal cause was the weaker of the two, suddenly changed sides at this time, and joined the Parliamentarians. He was cordially received by his new friends, and in August, 1644, he was made a member of the committee for governing the army in the west of England. In this capacity he continued only a short time, though long enough to take part in some important military enterprises.

After his withdrawal from military life he does not appear to have engaged actively in public affairs, though Whitelocke represents him as being in "great favor and trust with the Parliament." In the trial of the King he took no part, and we are ignorant whether he approved of the execution,—the only reference to the subject in his diary being a simple entry that on that day he went to Bagshot. Subsequently he was made a member of the Commission for the Reform of the Law; but in this capacity he used his tongue so freely that he fell under suspicion, and was consequently arrested as a delinquent. The evidence against him was insufficient to prove any serious charge, and after a short time the House of Commons resolved that he "should be pardoned of all delinquency." After Cromwell's expulsion of the Parliament, he intrigued without success for the appointment of Keeper of the Great Seal; but he was more fortunate in procuring a seat in Cromwell's first Parliament. Here he displayed great activity, and he was one of the principal speakers in support of the celebrated motion, "That the sitting of the Parliament any longer would

not be for the good of the Commonwealth." He also secured an election to Cromwell's second Parliament as one of the members for Wilts.

When this Parliament met, in September, 1654, he rose at once to the rank of a leader, and was a zealous supporter of the motion for an inquiry into the validity of the Instrument of Government. Finding the Parliament thus disposed to call in question the authority from which they derived their own existence, and likely to prove troublesome in various ways, Cromwell determined to try the effect of excluding the more contumacious members. Accordingly he summoned the Commons to the Painted Chamber at Whitehall, where he read them a long and dreary lecture, telling them that, though he had said they were a free Parliament, he thought it was understood that he was the Protector and the authority that called them, and that he was "in possession of the government by a good right from God and men." In conclusion, he informed them that they must give some public recognition of his authority. On their return to Westminster, the members found a declaration awaiting their signature, by which they promised to be faithful to the Lord Protector, and not to propose, or consent to, any alteration of the government as then established in one person and a Parliament. The declaration was signed by many members, while it was rejected by others. Among the latter, Cooper was one of the most conspicuous. The document did not, however, produce the effect which Cromwell designed, and he was soon compelled to dissolve the Parliament, even before the expiration of the five months designated by the Instrument of Government as the shortest period for its continuance.

Cooper was likewise chosen one of the members for Wilts in Cromwell's third Parliament, which was held in the latter part of 1656; but he was refused admission in consequence of his failure to obtain a certificate of approbation from the Council of State. The remainder of Cromwell's rule he passed in private life, but more or less actively engaged in intrigues against the government.

On the accession of Richard Cromwell, he was again returned to Parliament by his old friends in Wilts, and he exhibited no

hesitation about taking the oaths to support the new Protector, though he began at once a violent opposition to the measures of the government. He was a frequent and effective speaker, and we have numerous reports of his speeches, for which we are chiefly indebted to the assiduity of Thomas Burton, also a member of that Parliament; but only one of them is deserving of much notice. This was a brilliant, pointed, and very bitter harangue on the question whether the Commons should recognize the other House, composed of Oliver Cromwell's peers. This recognition he opposed in a speech of considerable length, which must be counted among the best extant specimens of the oratory of that age.

"This day's debate is but too clear a proof," he said in commencing, "that we Englishmen are right islanders, variable and mutable, like the air we live in; for, sir, if that were not our temper, we should not now be disputing whether, after all those hazards we have run, that blood we have spilt, that treasure we have exhausted, we should not now sit down just where we did begin, and of our own accords submit ourselves to that slavery which we have not only ventured our estates and lives, but, I wish I could not say, our souls and consciences, to throw off."

He then proceeded to assail the memory of the late Protector with great virulence, as one "who called monarchy Anti-christian in another, and, indeed, made it so in himself, — who voted a House of Lords dangerous and unnecessary, and too truly made it so in his partisans, — who with fraud and force deprived you of your liberty when living, and entailed slavery on you at his death"; to ridicule the character and constitution of the other House, with its "farmer Lordships, draymen Lordships, cobbler Lordships, without one foot of land but what the blood of Englishmen has been the price of"; and to speak in equally disparaging terms of their qualifications as legislators.

"To judge according to the dictates of reason," he says, "one would imagine some small faculties and endowments to be necessary for discharging such a calling; and those such as are not usually acquired in shops and warehouses, nor found by following the plough; and what other academies most of their Lordships have been bred in but their shops, what other arts they have been versed in but those which more

required good arms and good shoulders than good heads, I think we are yet to be informed. Sir, we commit not the education of our children to ignorant and illiterate masters ; nay, we trust not our very horses to unskilful grooms. I beseech you, let us think it belongs to us to have some care into whose hands we commit the management of the commonwealth ; and if we cannot have persons of birth and fortune to be our rulers, to whose quality we would willingly submit, I beseech you, sir, for our credit and safety's sake, let us seek men at least of parts and education, to whose abilities we may have some reason to give way."

Notwithstanding this vigorous assault, however, the other House was recognized by a large majority as an integral part of the government ; but the blow was severely felt.

After his failure to prevent the recognition of the new peers, Cooper began to intrigue with characteristic energy and adroitness for the restoration of the Stuarts ; and so great a distrust of him was felt by the Council of State, that he was arrested and subjected to a rigorous examination. But he had not committed any overt act, and on the 12th of September the Council voted,—“That it be humbly reported to the Parliament, that upon the examination taken before the Council or otherwise, in the business of Sir A. A. Cooper, referred to the examination of the Council by order of Parliament, it doth not appear to them that there is any just ground of jealousy or imputation upon him.” Two days afterward Parliament passed a similar vote, and he was released, but only to resume his intrigues. After setting on foot various schemes to prepare the way for the return of Charles II., he managed to procure from the restored Rump a favorable decision on his claim to sit in the House of Commons as member for Downton, in virtue of the original election in 1640. Having gained this point, he became one of the principal leaders of the Stuart party in Parliament ; and it was not long afterward that the conversation with Colonel Hutchinson occurred, which is recorded by Mrs. Hutchinson in the Life of her husband. According to the account given by that admirable woman and unimpeachable witness, he had insinuated himself into a particular friendship with her husband, whom he “caressed with such embraces as none but a traitor as vile as himself could have suspected.” Alarmed at the threatening aspect of affairs, and relying on his

professions, the Colonel asked him what were Monk's intentions, in order that he and others might provide for their personal safety. The result is well described by Mrs. Hutchinson.

"Cooper denied to the death any intentions besides a Commonwealth; 'but,' said he, with the greatest semblance of reality that could be put on, 'if the violence of the people should bring the King upon us, let me be damned, body and soul, if ever I see a hair of any man's head touched, or a penny of any man's estate, upon this quarrel.' This he backed with so many and such deep protestations of that kind, as made the Colonel, after his treachery was apparent, detest him of all mankind, and think himself obliged, if ever he had opportunity, to procure exemplary justice on him who was so vile a wretch as to sit himself and sentence some of those that died. And although this man joined with those who labored for the Colonel's particular deliverance, yet the Colonel to his dying day abhorred the mention of his name, and held him to be a more execrable traitor than Monk himself."

Nevertheless Cooper had been among those who invited Monk up to London, and now acted as one of his principal advisers; he instigated many of Monk's movements, and, regardless of his own oaths and protestations, he zealously promoted every measure designed to hasten the King's return. In the election for members of the Convention Parliament, in the early part of 1660, he was chosen to the House of Commons for the last time, and again took his seat as one of the members for Wilts. The recall of the Stuarts had been rendered inevitable by the treachery of Monk and his adherents; and the chief business of the Parliament was to perfect the arrangements. In this work Cooper was among the foremost. When the King's letter was received, in the following May, he was appointed a member of the committee to prepare an answer; and a few days afterward he was chosen one of the commissioners to proceed to Breda and present to Charles the humble petition of Parliament, "that his Majesty would be pleased to return and take the government of the kingdom into his hands." On the 8th, Charles II. was solemnly proclaimed; and the Restoration was accomplished. It was not, however, until the 29th, that the restored monarch made his public entry into London, with a degree of pomp and magnifi-

cence long unknown in England. "I stood in the Strand," says Evelyn, "and beheld it, and blessed God"; and as he saw the magnificent array pass before him, he compared it with the return of the Jews from the Babylonish captivity, and thought that so joyful and bright a day had never before been seen in England.

Meanwhile Cooper prosecuted his journey to Holland, which, apart from its political importance, is memorable also in his history for a personal injury occasioned by the upsetting of his carriage. At the time the injury did not seem serious, but it afterward gave him much trouble, and he never recovered from its effects. Its most important result, however, was his intimacy with John Locke. This intimacy appears to have commenced at Oxford, in 1666, when Locke was a student of Christ-Church College. In that year Lord Ashley was in Oxford, and while there he was confined to his room by an abscess occasioned by the injury received six years before, in Holland, and, in the absence of other physicians, Locke waited on him. Locke was the younger by eleven years; but notwithstanding this disparity in age, the politician and the philosopher were mutually attracted; and the friendship which thus commenced continued unimpaired through life, and was of inestimable value to Lord Ashley. Like Colonel Hutchinson, Locke was deceived by the persuasive lips of the great intriguer. He failed to form a just estimate of that complex and inscrutable character, was flattered by the ostentatious deference shown by so great a statesman in asking him to draw up a constitution for the distant colony of Carolina, and even made preparations after Shaftesbury's death to write a Life of his friend and benefactor. So blind was the great metaphysician to the vices, the treachery, and the unscrupulousness of the most adroit politician in England. Though the Life was never written, Locke's favorable judgment of Shaftesbury has counted for much in the opinions which subsequent writers have expressed concerning him.

That Sir Anthony Cooper labored with untiring zeal for the Restoration, and that he was a chief agent in bringing it about, will not be denied by any one who is familiar with the history of the period, or who has followed even this rapid sketch of

the transactions which preceded the return of the Stuarts. But that he is entitled to all the praise, or rather to all the disgrace, of having secured its consummation, can scarcely be affirmed. According to the measure of his abilities and opportunities, which were very great, he labored without cessation, and with consummate skill, to prepare the way for this result; but without the support of the army all his best laid plans would have come to naught. He claimed, however, and received, a large reward; and for the next twenty years he filled a conspicuous place in the popular regard, either as Chancellor of the Exchequer, as a member of the Cabal, or as the head of an Opposition scarcely less devoid of principle than were the men to whom the restored monarch intrusted the government of the country.

Immediately on Charles's return, Cooper was admitted into the Privy Council, made Governor of the Isle of Wight, and appointed to the command of a regiment of horse. He was also named Chancellor of the Exchequer and Under-Treasurer, and was designated as Lord Lieutenant of Dorset. Nor was this all; for a few months afterward he was raised to the peerage, by the title of Baron Ashley of Wimborne St. Giles. The nature of these honors, and the rapidity with which they were conferred, afford a standard by which we may estimate the importance attached to his services, though we must unhesitatingly reject Martyn's assertion, that they "were conferred on him without any application or secret addresses." The first important proceeding in which he became an actor, and in which he showed his readiness to serve the monarch who had so splendidly rewarded his former services, was the trial of the regicides. With a brazen impudence of which history happily presents few parallels, he did not scruple to sit in judgment, and even to pass sentence of death, on his old associates. He had taken an active part in the Civil War, and helped to drive out the Stuarts; he had served both in a civil and a military capacity against them; and he had professed a great friendship for the popular leaders. But these considerations had not prevented him from intriguing to bring the Stuarts back without any security against future misgovernment, and they did not now prevent him from helping to punish the men whom he had formerly aided and abetted.

During the next six or seven years he was sedulous in the discharge of his duties at the Exchequer, and as a member of Parliament, and he appears to have waited with unwonted moderation until some fitting opportunity should enable him to come forward again as the restless and unscrupulous leader of a faction. In Parliament he had the consistency to oppose the Corporation Bill of 1661, by which all persons who held office in any municipal corporation were required to declare on oath their belief "that it is not lawful, upon any pretence whatsoever, to take up arms against the King," and their abhorrence of "that traitorous position of taking arms by his authority against his person, or against those commissioned by him." This bill, and several others equally hostile to the liberty of the subject, were carried through the House of Commons with great precipitancy; but the opposition in the Upper House was so strenuous, that Charles was compelled to adjourn Parliament. During the recess, the court zealously propagated a report that a plot against the King existed in several of the counties; and by the help of this contrivance they were enabled to carry the Corporation Bill and the Uniformity Bill through the House of Lords, notwithstanding the opposition of Southampton, Ashley, and other influential peers. A few months later Ashley performed a highly creditable act, in opposition to the King's wishes, in opposing and condemning the unfortunate and disgraceful sale of Dunkirk to the French. But in the mean time, to preserve his favor at court, he gave a warm support to an act amendatory of the Act of Uniformity, by which a dispensing power was conferred on the King, who was authorized "to dispense, by letters patent under the Great Seal, with the Act of Uniformity, or the penalties in the said law imposed." On the other hand, this bill was stoutly opposed by Lord Clarendon; and finally the measure was dropped, chiefly through Clarendon's influence in the House of Commons, which was at that time very great.

In his capacity of Chancellor of the Exchequer, Ashley labored with much zeal to promote the interests of trade and commerce, and he showed himself strongly opposed to granting monopolies, and even to permitting the existence in some flagrant instances of those already granted. But his official

rank was much lower than that which a Chancellor of the Exchequer now holds; and it must be conceded that at this time he exerted comparatively little influence in determining the foreign or domestic policy of the country. On the 16th of May, 1667, his wife's uncle, the Earl of Southampton, died, and a vacancy consequently occurred in the office of Lord Treasurer. It was at once determined to put the office into commission, and, after some hesitation on the King's part, Ashley was appointed one of the five commissioners, uniting his new appointment with his former office at the Exchequer. From this period his political importance rapidly increased; and there can be little doubt that, almost immediately after the withdrawal of Southampton's influence, he began to intrigue for Clarendon's overthrow. This event occurred at the close of the following August; and it has always been believed that the Chancellor's downfall was precipitated by Ashley's exertions. It should be mentioned to his credit, however, that he strongly opposed the impeachment by which some of Clarendon's enemies desired to wreak their vengeance on the fallen minister.

It must have given much annoyance to Ashley to find that he was not likely to grasp the splendid prize of the Chancellorship, — long the object of his ambition. But Charles had little confidence in the wily politician, and Sir Orlando Bridgman, at that time Chief Justice of the Court of Common Pleas, was appointed to sit in the marble chair as Lord Keeper. Ashley was obliged to content himself with the increasing power which he now began to wield as one of the Lords of the Treasury; and one of his first acts, his support of the Triple Alliance, was well adapted to give him popularity with the nation. Unfortunately, however, for his reputation, he helped soon afterward to break "this triple bond," in order to please the King; and none of his apologists have been able to defend him successfully against the charge of having sacrificed the interests of England to his personal ambition. About the same time he drew up and submitted to the King a paper which shows very clearly his political sagacity, and is not open to the charge of being inspired by personal motives. In it he refers to a conversation with Charles on "the decay of

land-rents and trade, and the remedies of it," and then proceeds to set forth under various heads his own views on this important subject, arguing that of late years the quantity of land fit for cultivation had greatly increased, while the population had been greatly diminished by the civil war, the plague, and emigration to America. Assuming this diminution of the population to be the cause of the existing evils, he proposes as a remedy the adoption of certain measures which he thinks will invite immigration, and afford protection to all persons who may choose to settle in England. These he enumerates as follows:—that no person shall be admitted to any office, ecclesiastical, military, or civil, except those who approve themselves conformists to the doctrine and discipline of the Church of England, and pay all tithes and church rates; that all nonconformists, except members of the Romish Church and Fifth-monarchy men, shall have full liberty to worship in any public place they can procure; that a general act of naturalization shall be passed, granting permission to every artificer or tradesman to carry on his art or trade in any part of the kingdom; and that there shall be a public register of all transactions in real estate. Though these measures were not carried out, they show how accurately Ashley understood the wants of the kingdom, and afford additional proof of the folly of the government which rejected them.

In regard to another matter, his support of the Declaration of Indulgence, it has sometimes been claimed that his course was equally praiseworthy; but this claim cannot be sustained. Even if the arguments of his admirers were sound, they would only show that in his support of the Declaration he added treachery to contempt for the Constitution. That the Declaration was an unconstitutional act, and that the Papists were the only persons who could derive any benefit from it, will not be denied by any candid reader of history. Yet it is maintained by Martyn and some other writers, that Ashley, knowing this, and having also discovered with extraordinary skill and sagacity that Charles was a Papist in secret, gave his support to the Declaration, with the sole purpose of inflaming the Protestant zeal of the kingdom to the passage of still more severe laws against the Papists. A more utterly

untenable hypothesis can scarcely be conceived ; and it is sufficient to dismiss it with a bare statement of the absurdities which it involves. Ashley was at once one of the most adroit and most ambitious of statesmen ; and in this case the obvious explanation is undoubtedly the true explanation. He saw that Charles wished to favor the Romish Church, and that consequently the direct way to his favor was by relaxing the laws against its members ; and perceiving this, he upheld the Declaration simply as a means of advancing his own fortunes.

In the beginning of 1672 occurred the shutting up of the Exchequer, — a measure proposed by Sir Thomas Clifford and condemned by Ashley, though he afterward derived the chief advantage from it. The reasons for his opposition are well stated in a short paper written at the time, and were as follows : — that it was contrary to common justice and the express statutes of the realm, that it was against his Majesty's promises and declarations, that it would amaze mankind and ruin thousands of poor persons, that it would depress trade, and that it would soon be known over Europe, and would cause great joy to the King's enemies. The measure was, however, carried into execution, to the great and general dissatisfaction of the public, and without any corresponding advantage to the King ; and in order to restore the public credit, Ashley soon came forward with an expedient which was the immediate cause of his elevation to the Chancellorship. This was an application to the Chancellor for injunctions to prevent the prosecution of any suits against the bankers. A more unconstitutional or tyrannical scheme could scarcely have been devised, but it answered Ashley's purpose ; for Bridgman refused to grant the injunctions, and was promptly removed. Ashley, who had been created Earl of Shaftesbury a little time before, as a reward for other services, was immediately raised to the vacant office as Lord Chancellor.

The new Chancellor brought to the discharge of his duties only a very slight acquaintance with legal science, and no familiarity with the rules adopted in equity proceedings. Yet it has been asserted that few if any of his decrees were reversed ; and he certainly managed to make himself very acceptable to the King, who is reported to have said, " My

Chancellor knows more law than all my judges, and more divinity than all my bishops." His reputation as a judge has, in truth, stood high, probably on account of the character which Dryden interpolated in the second edition of "Absalom and Achitophel":—

"Yet fame deserved no enemy can grudge,
The statesman we abhor, but praise the judge;
In Israel's courts ne'er sat an Abethdin
With more discerning eyes or hands more clean,
Unbribed, unsought the wretched to redress,
Swift of despatch and easy of access."

A much better authority on this point than Dryden, however, Lord Campbell, pronounces a very different opinion, and says, that, "except being free from gross corruption, he was the worst judge that had ever sat in the court." Much weight has been laid by Shaftesbury's apologists on the pretended fact that his hands were unstained by bribery,—that in an age when ministers and legislators, and even the King himself, drew pay from a foreign sovereign, he never touched French gold; and he certainly is entitled to great praise on this last account. He was quick in the despatch of business, and though he committed some absurd mistakes in regard to forms, it is probable that his sagacious intellect prevented him from falling into any grave errors of fact, and from pronouncing any unjust decision where private suitors alone were concerned. By various devices he avoided rendering a decision on the validity of the injunctions, which he had recommended previously to his elevation to the wool-sack, and with his customary shrewdness he adopted the expedient of granting them conditionally. His theory of the duty of a judge in regard to political questions is shown plainly enough in his charge to one of the Barons of the Exchequer. "Let not the King's prerogative and the law," he said, "be two things with you, for the King's prerogative is law, and the principal part of it, and in maintaining that you maintain the law."

Before the meeting of Parliament Shaftesbury, in order to strengthen himself in the Lower House, issued writs under the Great Seal for filling the vacancies which had occurred since

the prorogation. This bold expedient was not without the sanction of some precedents, but it excited much indignation among the members of the popular party, and as soon as the Commons met, they unseated all the members thus chosen. At the opening of the session, after the King had delivered the customary speech, the new Chancellor rose and addressed the two Houses with a very remarkable harangue, which must be regarded as furnishing the key to his policy at this time. "My Lords, and you, the knights, citizens, and burgesses of the House of Commons," he said in opening,—"the King hath spoken so fully, so excellently well, and so like himself, that you are not to expect much from me. There is not a word in his speech that hath not its full weight, and I dare with assurance say will have its full effect with you." He then spoke briefly of the delay in summoning Parliament, and passed to a justification of the war with Holland, which he advocated in language that gave great offence to the country. "You judged aright," he said, "that at any rate *Delenda est Carthago*, that government is to be brought down; and therefore the King may well say to you, 'It is your war.' " In another place he is scarcely less warlike. "And if, after this," he says, "you suffer them to get up, let this be remembered,—the States of Holland are England's eternal enemy, both by interest and inclination." To the shutting up of the Exchequer, and the grant of injunctions in the suits against the bankers, he refers in passing, apparently for no other purpose than to find in them additional reasons why Parliament should vote his Majesty a large supply. The Declaration of Indulgence he praises as warmly as though he had first suggested it, alleging, "that no reasonable scruple can be made by any good man." He then renews his plea for a large supply, and concludes with the most fulsome adulation of both King and Parliament. The whole passage is too long to be cited; but a few words at the end will afford a very just idea of it. "Let us bless God and the King that our religion is safe; that the Church of England is the care of our prince; that Parliaments are safe; that our properties and liberties are safe. What more hath a good Englishman to ask, but that this King may long reign; and that this triple alliance of King, Parliament,

and people may never be dissolved ?” The amazing effrontery of this speech has not escaped the notice and censure of subsequent writers ; and even Shaftesbury himself felt ashamed of it.

At this moment it is certain that he was eager to win the first place in the King’s confidence ; but a very few weeks afterward he adopted, from some unexplained cause, a radically different policy, and began to intrigue with the popular party. He secretly stirred up the Commons against the Declaration of Indulgence, and in the House of Lords he frequently thwarted his colleagues in the government. He zealously supported the Test Act, which was now brought forward in the House of Commons, and was aimed directly at the members of the Romish Church. Notwithstanding a strenuous opposition, the bill passed both Houses, and became a law, to Shaftesbury’s great delight. In consequence of its passage the name of the Duke of York, afterward James II., was stricken from the list of Privy Councillors, and he was compelled to resign all his other appointments ; Lord Clifford was forced to give up the white staff of Treasurer ; and a number of other Papists of lesser note also lost their offices. Though Charles had not ventured to refuse his assent to this famous law, which remained on the statute-book through all the vicissitudes of party for more than a hundred and fifty years afterward, he took care to adjourn Parliament before any other measures of a similar character could be perfected.

Parliament met again toward the end of October, but the Country party showed so much activity and spirit that the session was twice prorogued within a fortnight ; and in order to punish Shaftesbury for the part which he had recently taken, he was soon afterward deprived of the seals. He had held office for little less than a year, and during that brief period he had rendered himself obnoxious to each of the two great parties in turn. Yet it is a noteworthy fact, that at the period of his dismissal he possessed a much larger influence than he had ever before enjoyed ; and that the King gained nothing by his removal. From this period to the end of his career he was the most unscrupulous and factious adversary that any government in England has had to encounter ; and his far-seeing

sagacity was constantly strained to the utmost to give effect to the successive blows which he aimed at his enemies. It is true that in the end he fell a victim to his own rashness ; but for a time his power and influence knew scarcely any limits. The Parliamentary session of 1674 was suffered to continue for only a few weeks ; but during this period the new spirit which Shaftesbury had inspired was rampant. Numerous measures of hostility to the court were introduced in the House of Commons, and pressed with so much vigor and success, that Charles was glad to have recourse to his old expedient of a prorogation before any of them had reached their last stage.

Soon after the commencement of the next session, in April, 1675, the ministry brought into the House of Lords a bill entitled “ An Act to prevent the Dangers which may arise from Persons disaffected to the Government.” This measure was designed to give additional legislative sanction to the Church heresy of passive obedience, and was a fatal blow at the liberty of Parliament, as well as of every person holding any office, civil, military, or ecclesiastical, all of whom were required to take oath that they would not, “ at any time, endeavor the alteration of government either in Church or State.” Shaftesbury was the principal opponent of the bill, which he resisted with his accustomed zeal ; “ and yet,” says Bishop Burnet, “ though his words were watched, so that it was resolved to have sent him to the Tower if any one word had fallen from him that had made him liable to such a censure, he spoke both with so much boldness and so much caution, that, though he provoked the court extremely, no advantage could be taken against him.” In consequence of the violent opposition which the bill encountered, and of a well-grounded objection that “ no care was taken of the doctrine, but only of the discipline of the Church,” the form of the oath was changed so as to read, “ I do swear, that I will not endeavor to alter the Protestant religion, or the government either of Church or State.” The vagueness of this declaration furnished a congenial theme for Shaftesbury’s subtile intellect ; and after taking exception in one of his speeches to the oath on general grounds, he very pertinently asked, “ Where are the boundaries, or where shall we find how much is meant by the Prot-

estant religion?" Curiously enough, his opponents did not perceive the force of this question, and by their own folly they furnished him with the opportunity of an easy victory. "Tell it not in Gath, publish it not in the streets of Askelon," Lord Keeper Finch exclaimed, "that a Lord of so great parts and eminence, and professing himself a member of the Church of England, does not know what is meant by the Protestant religion." And some of the Bishops went so far as to say, the "Protestant religion is comprehended in the Thirty-nine Articles, the Liturgy, the Catechism, the Homilies, and the Canons." Nothing could have suited Shaftesbury's purpose better than such a reply.

He rose immediately, and declared that he had so confirmed a belief in the Protestant religion, "that he hoped he should burn for the witness of it, if Providence should call him to it; but he might, perhaps, think some things not necessary which they accounted essential, — nay, he might think some things not true, or agreeable to the Scripture, that they might call doctrines of the Church." He then proceeded to show that the Thirty-nine Articles could not be regarded as a standard of orthodoxy, both on account of the obscurity and contradictory character of some of the Articles, and because others "had been preached and written against by men of great favor, power, and preferment in the Church"; and that neither the Liturgy, the Catechism, the Book of Homilies, nor the Canons afforded a more satisfactory standard. The reply was unanswerable, and greatly annoyed the Bishops. "I wonder when he will have done preaching," one of them whispered to a neighbor. Shaftesbury heard it, and, turning round, replied, in a low but audible tone, "When I am made a Bishop, my Lord"; and then continued his speech.

But all his wit and eloquence were powerless against the more persuasive appeal of the secret-service money, which was scattered through both Houses with a lavish hand; and finally the bill passed the Upper House, and was sent down to the Commons, where its success seemed certain. But Shaftesbury's genius was equal to the emergency, and he determined even now to prevent the passage of the bill. His new scheme was not indeed creditable to him, and can be justified only by

those who are prepared to maintain the profligate maxim, that "all is fair in war and politics." It was prosecuted, however, with characteristic energy, and for the time it answered his purpose, by stirring up a quarrel between the two Houses on a question of privilege, in the excitement of which everything else was forgotten. An appeal had been entered in the House of Lords from a decree of the Court of Chancery, in a case in which a member of the Lower House was the defendant; and, availing himself of this circumstance, Shaftesbury managed to arouse the mutual jealousy of the two Houses to such an extent that legislation on all other subjects was at once postponed. By his secret instigation the House of Commons resolved, by a nearly unanimous vote, that it was a breach of privilege to serve a summons on any member to appear at the bar of the House of Lords; while Shaftesbury himself stoutly upheld the right of the Peers to hear appeals in equity, even when members of the Lower House were parties in interest. The Commons next committed two of the appellants to the Tower, and likewise ordered the arrest of the barristers who had argued the appeal before the Lords. Thus far Shaftesbury's scheme had succeeded admirably, and he immediately seized on this act to push the excitement to a still greater height. Exasperated by his fervid eloquence, the Lords voted that the prisoners should be immediately set at liberty, in disregard of any action by the Commons. In pursuance of this vote, their executive officer, the Usher of the Black Rod, rescued the barristers by force from the custody of the Sergeant-at-Arms, by whom the unfortunate lawyers were held under the authority of the Commons. The Lower House was greatly incensed at this indignity to their representative, and a vote was passed, by the active exertions of Shaftesbury's friends, that, "if this outrage was submitted to, not only the privileges of the Commons, but the liberties of England, were forever subverted." The Speaker himself participated in the excitement of the members; and soon afterward, seeing one of the barristers, Pemberton, for some time Chief Justice of the King's Bench, and still more famous as one of the counsel for the seven Bishops, he arrested him with his own hand, and caused him to be lodged in prison, — an exploit for which the Commons voted him special thanks.

Matters were rapidly growing worse, when the King prorogued Parliament for a period of four months, with the hope of putting an end to these contentions. But as soon as the new session opened, Shaftesbury brought forward a motion for the assignment of a day for hearing the appeal; and in the debate which followed, he delivered a very powerful speech on the whole subject at issue. "My Lords," he said with great solemnity as he rose, "our all is at stake, and therefore you must give me leave to speak freely before we part with it." He then proceeded to answer the arguments of the other party, artfully opposing any concession on the part of the Lords, since "this matter is no less than your whole judicature, and your judicature is the life and soul of the dignity of the peerage of England," and if they did not settle the question then, they would not have an opportunity of doing it after the public business was finished.

"Pray, my Lords," he continued, "forgive me if, on this occasion, I put you in mind of committee dinners, and the scandal of it; as, also, those droves of ladies that attend all causes. It was come to that pass that men hired or borrowed of their friends handsome sisters or handsome daughters to deliver their petitions; but yet for all this I must say that your judgments have been sacred, unless in one or two causes, — and those we owe most to that Bench [the Bishops] from whence we now apprehend most danger."

He then briefly expressed his fears, that, if the Houses were to come to an agreement, it would enable the King to bring about a general European peace, which was much to be deprecated on account of the benefit to France. In conclusion, he made a truculent attack on the Bishops, as persons who were not affected by arguments the most convincing to the other Lords, and as advocates of the new and dangerous doctrine "that monarchy is of divine right," — a doctrine which neither the Jesuits nor the Popish clergy had ever maintained, and which was professed only by "some of the Episcopal clergy" of the British isles.

"In a word," he said, "if this doctrine be true, our Magna Charta is of no use; our laws are but rules among ourselves during the King's pleasure. Monarchy, if of divine right, cannot be bounded or limited by human laws, — nay, what is more, cannot bind itself; and all our

claims of right by the law or constitution of the government, all the jurisdiction and privilege of this House, all the rights and privilege of the House of Commons, all the properties and liberties of the people, are to give way, not only to the interest, but the will and pleasure, of the crown."

This speech has come down to us in a very full report, and probably affords a fair specimen of Shaftesbury's Parliamentary style. It is bold, pointed, and direct, with not a few passages of stirring eloquence, and we need feel no surprise at the effect which it produced on those who heard it. His resolution for hearing the appeal was carried by a large majority; and in the House of Commons the excitement became as great as it was before the recess.

His measures having thus far been crowned with success, Shaftesbury next induced one of his friends in the Upper House to bring forward a motion for an Address to the King, praying for a dissolution of the Parliament; and this motion was defeated by a majority of only two votes. Under these circumstances Charles determined to prorogue Parliament for the term of fifteen months. Shaftesbury had succeeded in preventing the passage of the obnoxious bill, but he had failed in his attempt to bring about a dissolution, — an object which he had scarcely less at heart. As soon as Parliament met again, in February, 1677, Buckingham, who had also become a patriot, rose and objected to transacting any business, on the ground that the last prorogation was null and void, and that therefore the Parliament must be regarded as virtually dissolved. In this view he was powerfully supported by Shaftesbury, who was probably the real author of the objection. But their course found less favor than they had anticipated; and the government was strong enough to carry a resolution that Shaftesbury, who was looked upon as the chief offender, and his principal supporters, the Duke of Buckingham, the Earl of Salisbury, and Lord Wharton, should be committed to the Tower during the pleasure of the King and the House of Lords, as a punishment for having brought forward a doctrine so insulting to the King and the Parliament. The minor offenders were released after a short confinement, on acknowledging their error. This Shaftesbury refused to do, and in June,

1677, he sued out a writ of habeas corpus; but the Court of King's Bench declined to take cognizance of it, on the ground that the Tower was not within their jurisdiction. Subsequently he made a fruitless appeal to the generosity of the King and the Duke of York, and he also petitioned the House for his release with no better success; and it was not until February, 1678, that he obtained his liberty. Before being restored to his privileges as a peer, he was required to repeat a mortifying apology after the Lord Chancellor:—"I, Anthony, Earl of Shaftesbury, do acknowledge that my endeavoring to maintain that the Parliament is dissolved was an ill-advised action, for which I humbly beg the pardon of the King's Majesty, and of this most honorable House; and I do also acknowledge that my bringing of a habeas corpus in the King's Bench during this session was a high violation of your Lordship's privileges, and a great aggravation of my former offence, for which I likewise most humbly beg the pardon of this most honorable House." To such abasement was Shaftesbury reduced, before he could again enter the field of active partisan warfare. He soon, however, regained his former ascendancy; and in November, 1680, the House of Lords, at a full session, passed a resolution which, after referring to the order for the committal of Shaftesbury and his associates, and the subsequent proceedings in relation thereto, sets forth that "it is ordered, decreed, and adjudged, that the said order and proceedings concerning the said Lords were unparliamentary from the beginning, and in the whole progress thereof; and therefore are all ordered to be vacated (by virtue of this judgment) in the Journal books of this House, that the same, or any of them, may never be drawn into precedent for the future."

Shaftesbury's release was hailed with satisfaction by his friends, though his influence was much diminished by his long imprisonment and by his subsequent humiliation. But, fortunately for his ambitious spirit, an event soon afterward occurred, which enabled him not only to recover all that he had lost, but to become far more formidable than he had hitherto been. This was the pretended discovery of the Popish Plot, through the revelations of Titus Oates. It has some-

times, indeed, been asserted that Shaftesbury himself invented this stupendous falsehood ; but though he readily took advantage of it to promote his own ends, there is not a particle of proof that he first conceived it. With his accustomed sagacity, he saw that it might be used to torment the government, and he took the whole thing into his own hands. As soon as Parliament met, he brought forward a series of measures designed to crush the Catholics ; and he also introduced a motion for an Address to the King for the removal of the Duke of York from his presence and counsels, which failed of success. He succeeded, however, in carrying resolutions for a committee to inquire into the Plot, for the removal of Popish recusants, and declaring that “there hath been and still is a damnable and hellish plot continued and carried on by Popish recusants for assassinating the King, subverting the government, and rooting out and destroying the Protestant religion,” besides a bill for preventing members of the Romish Church from sitting in Parliament. The government was powerless to resist the rising storm which Shaftesbury had set in motion, and which he now ruled at pleasure ; and after a motion to impeach the Lord Treasurer, Danby, had been carried in the House of Commons, Charles, as a last resort, dissolved the Parliament, in January, 1679. It had sat for eighteen years, and notwithstanding the grovelling subserviency of its earlier acts, it had passed through a transformation very much like Shaftesbury’s ; and at its dissolution it was one of the most unmanageable bodies with which any English minister has ever had to deal.

The new elections were in general unfavorable to the court, and Shaftesbury’s party received a considerable accession of numbers. In the choice of Speaker of the House of Commons the ministerial candidate was defeated ; and the impeachment of Danby was soon revived as a matter of course. Against this unjustifiable proceeding Charles in vain opposed a full pardon under the Great Seal. Urged on by Shaftesbury, the motion for an impeachment was carried, and Danby was committed to the Tower. Nor did the activity of Shaftesbury stop here. He next brought forward a motion for an inquiry into the state of the nation, and supported it in a vio-

lent speech, setting forth the great dangers which threatened the Protestant faith, and pointing to the condition of affairs in Scotland and Ireland as a pregnant illustration of the evils against which Parliament must provide.

It was in this conjuncture that Sir William Temple suggested to the King his scheme of a new council in place of the existing Privy Council and Ministry, in the hope that it might give peace to the country, and inaugurate a new era of good government. This body was to be composed of thirty members, of whom fifteen were to hold the principal offices of state, ten more were to be selected from the House of Lords, and the remaining five were to be taken from the House of Commons; and according to the new plan all the measures of the government were to be sanctioned by the council. The scheme proved in the end impracticable, and was abandoned; but it was now eagerly tried by Charles. In the selection of the members, important differences of opinion arose between his Majesty and Sir William, the latter of whom vehemently objected to the admission of Shaftesbury, which Charles deemed indispensable to the success of the experiment. The result was that Shaftesbury was not only admitted, but was also made President of the Council.

If Charles expected by this appointment to weaken Shaftesbury's influence, or to render him less factious, he was soon disappointed. Shaftesbury determined to use his newly acquired power to promote his own advantage, and to carry the measures which he regarded as necessary for maintaining the Protestant ascendancy, and for securing the liberty of the subject against the encroachments of the crown. He accordingly drew up, and caused to be introduced in the House of Commons, "An Act for the better securing the Liberty of the Subject," which is now known as the Habeas Corpus Act, and is universally regarded as one of the chief muniments of English liberty. This bill passed the Commons without much opposition; but in the House of Lords it was violently resisted, and the motion for a conference with the Commons on one of the amendments introduced by the Lords, was carried only by a miscount, which gave a majority of two votes in favor of the conference. The Commons receded, and the bill became

a law. This was the only measure of Shaftesbury which was carried through Parliament at this session ; but it is one the importance of which cannot be overrated. Other important measures, indeed, had been brought forward, and some progress had been made with them, when Charles abruptly put an end to the session by a prorogation, which was soon afterward followed by a dissolution. The elections again turned out unfavorably for the government, and without a moment's hesitation the King determined, before Parliament met, to postpone the session for a period of twelve months by a new prorogation, — a step which came very near breaking up the newly organized council. This bold measure was at once followed by the dismissal of Shaftesbury from the Presidency, and by the erasure of his name from the list of Councillors.

Though deprived of office, the factious patriot did not permit his zeal against the Catholics to grow cold. On the 5th of November, he celebrated the discovery of the Gunpowder Plot by a procession, at the head of which was the effigy of Guy Fawkes, with other symbols suited to keep alive the popular hatred of Papacy. Twelve days later he caused the anniversary of the accession of Queen Elizabeth to be commemorated by another procession, with still more inflammatory devices. He next procured petitions from nearly every part of England, praying that Parliament might be immediately summoned ; but to these petitions counter-addresses were at once opposed by the Court party. Indignant at the failure of these expedients for compelling the King to call Parliament together, and at the same time elated by his vast influence over the people, Shaftesbury determined to go a step farther. Accordingly, on the 26th of June, 1680, in company with several of his most distinguished and influential supporters, he proceeded to the Court of King's Bench, and there presented to the grand jury a formal charge against the Duke of York as a Popish recusant. But before the jury had investigated the matter, and while many charges against private persons were waiting for an examination, the Chief Justice sent for the jury, and, by an unusual exercise of authority, dismissed them. By these and other schemes the popular leaders managed to keep up the excitement until Parliament met.

As soon as the session opened, the House of Commons passed a series of inflammatory resolutions, to the effect, that efficient measures ought to be taken "to suppress Popery and prevent a Popish succession"; that the Duke of York's adhesion to the Romish Church had given great encouragement to the plots against the King and the Protestant religion; that in defence of the King and the Protestant religion they would stake their lives and fortunes, and that, if his Majesty should come to a violent death, they would "revenge it to the utmost on the Papists"; and finally, "that the discharging of the grand jury by any judge, before the end of the term, assizes, or sessions, while matters are under their consideration and not presented, is arbitrary, illegal, destructive to public justice, a manifest violation of his oath, and is a means to subvert the fundamental laws of the kingdom." Having thus prepared the way for the blow which he had long meditated, Shaftesbury now caused a bill to be brought into the Commons for excluding the Duke of York from the succession to the crown. The bill passed the Lower House with little opposition; but in the Lords it was thrown out on the first reading by a vote of more than two to one, after a fierce debate, which lasted nearly till midnight, and at which Charles II. was present. In this debate Shaftesbury of course took the leading part; but the speech which he delivered has not come down to us. Another speech, however, on the same general subject, delivered a few days later, was printed at the time, and circulated to the extent of three hundred thousand copies. Probably some things were added in the printed speech; but if the speech as spoken was not very different from that in print, it must be pronounced one of the most remarkable speeches ever uttered in Parliament. It would be impossible to give any adequate idea of its bold and factious tone by a mere analysis; and we must confine ourselves to two or three brief extracts. "There must be," he said near the commencement, "in plain English, my Lords, a change. We must neither have Popish wife, nor Popish favorite, nor Popish mistress, nor Popish counsellor at court, nor any new convert." And as if he had not gone far enough in this declaration, he elsewhere exclaimed: "My Lords, it is a very hard thing to say we cannot trust the King,

and that we have already been deceived so often, that we see plainly the apprehension of discontent is no argument at court; and though our prince be himself an excellent person, that the people have the greatest inclinations to love, yet we must say he is such an one as no story affords us a parallel of." After much more in the same spirit and equally pointed, he concluded by a direct appeal to his Majesty: "However, we know who hears us; and I am glad of this, that your Lordships have dealt so honorably and so clearly in the King's presence, that he cannot say he wants a right state of things. He hath it before him, and may take counsel as he thinks fit."

In pursuance of an intimation in this speech, he soon afterward brought into the House of Lords a bill for dissolving the King's marriage; but this scandalous proceeding met with so little favor, that he allowed the bill to drop out of notice as quietly as possible. Some of his other measures were more successful, and, before the dissolution, he had caused to be introduced in the Lower House, or had carried, bills reviving the Triennial Act, providing that the judges should hold their offices and draw their salaries during good behavior, providing for a Protestant Association to defend the King and keep out the Duke of York, and for making the raising of money without the consent of Parliament an act of high treason, besides carrying an impeachment against Chief Justice Scroggs for illegally discharging the grand jury the year before, and sending up an Address of the House of Commons to the King for the removal from office of the Earl of Halifax, who had been his chief opponent in the debates on the Exclusion Bill. Before all these measures could be perfected, Parliament was dissolved, and a new Parliament was summoned to meet at Oxford.

Against the meeting of Parliament in this unusual place, Shaftesbury and fifteen other members of the House of Lords, of whom the Duke of Monmouth was the most prominent, immediately petitioned the King, alleging, that neither the Lords nor the Commons could sit in safety at Oxford, where they would be "daily exposed to the sword of the Papists and their adherents," and thus prevented from enjoying full liberty of debate; that there were no accommodations for the great

number of persons who would be present; and that the witnesses against the Popish Lords, and the judges who had been impeached, or were to be impeached, could neither bear the expense of going there, nor trust themselves to the protection of a Parliament which was not itself free. This petition was much applauded by the popular party, and London and many other places presented their thanks to the Lords by whom it was signed; but it met with no favor at court, and no attention was paid to its prayer that the place of meeting might be changed to London. The session was opened therefore at Oxford, on the 21st of March; and notwithstanding Shaftesbury's loud professions of insecurity, he lost not a moment in resuming his attacks on the government. The Exclusion Bill was again brought forward, together with a second bill for repealing an act passed in the reign of Elizabeth against Protestant Dissenters who failed to attend public worship on Sundays in their respective parish churches, — a bill for the same purpose which had passed in the last session having been surreptitiously removed from the House of Lords by the King's command. These measures, and the disputes between the two Houses as to the manner of proceeding against a wretch named Fitzharris, who had been put forward by the court to ridicule the Popish Plot, convinced Charles that he had nothing to hope from this Parliament; and, eight days after the commencement of the session, he abruptly dissolved it, with the declaration that "all the world may see we are not like to have a good end when the divisions at the beginning are such."

Though it is impossible to commend Shaftesbury's course, or the means which he employed, it must be conceded that his services in opposing the tyranny of Charles were of vast importance, and were not unfrequently attended by the most beneficial results. The court had long seen clearly enough that he was by far the most formidable antagonist with whom they had ever had to contend, and that, if he were crushed, no one remained to fill his place. They determined, therefore, without further delay, to break down his influence, and to ruin him utterly; and on the 2d of the following July he was arrested on a charge of high treason, at Thanet House, Aldersgate Street, his city residence. His papers were seized,

and he was hurried off to Whitehall, and, after an examination before the King and Council, committed to the Tower. As he was carried along, the populace gathered around him and loudly expressed their sympathy. "God bless your Lordship!" exclaimed one of the crowd, "and deliver you from your enemies." With his accustomed readiness, Shaftesbury turned toward the man, and replied, with a triumphant smile: "I thank you, sir, but I have nothing to fear; they have much, therefore pray God to deliver them from me." A few days afterward one of the Popish Lords who had been committed to the Tower through his influence expressed some surprise at seeing him in such a place, and asked how he came to be there. "I have been indisposed lately with an ague, and am come to take some Jesuits' powder," was the reply.

While a prisoner, he made repeated applications to the Court of King's Bench that he might be brought to trial or be bailed, for no indictment against him had yet been prepared; but in each instance his application was refused by the Chief Justice, Pemberton, under the old pretext that the Tower was not within the jurisdiction of the court. Meanwhile no effort was spared to hunt up evidence against him, and to spread abroad a belief of his guilt. For this purpose the immortal pen of Dryden was called into the service, and the greatest political poem in our language was published just a week before the case was given to the grand jury. Innumerable prose pamphlets were also circulated. Pemberton perverted the law. When the indictment was laid before the jury, he charged them that they were only to inquire whether there was any ground of suspicion against the prisoner; and, in violation of the uniform practice in such cases, and against the protest of the jury, the examination was conducted in public, that the authority of the Chief Justice might be exerted to insure the finding of a bill. But all these precautions failed; the jury had been selected by Whig sheriffs; and the result was that the bill was ignored. As the officer read the indorsement, a shout burst forth from the waiting crowd, which even the presence of the judges could not restrain. Out of doors, bonfires, illuminations, and the frequent drinking of Shaftesbury's health, bore witness to the general joy. Nor was this all. A

medal was immediately struck, bearing on one side the bust of the Protestant Earl, as he was called, with the inscription, "Antonio Comiti de Shaftesbury," and on the reverse the sun emerging from a cloud and shining on the Tower and the city, with the date, 24th November, 1681, and the legend, "Lætatur." To ridicule this outburst of popular joy, Dryden's genius was again called into service, and Charles himself suggested the main idea of the poem. "The Medal" was speedily produced, and, as a truculent political satire, is inferior only to "Absalom and Achitophel."

"Of all our antic sights and pageantry,
Which English idiots run in crowds to see,
The Polish Medal bears the prize alone :
A monster more the favorite of the town
Than either fairs or theatres have shown.
Never did art so well with nature strive ;
Nor ever idol seemed so much alive :
So like the man, — so golden to the sight,
So base within, so counterfeit and light."

The publication of the poem, however, only gave greater notoriety to its subject, and soon every Whig wore the medal as a party badge.

Notwithstanding the refusal of the grand jury to return a bill against Shaftesbury, he was detained a prisoner in the Tower for some months longer, and it was not until February, 1682, that he was released, and again took up his residence in the city. But his power was gone ; a prosecution which he had instituted against the principal witnesses who testified before the grand jury was removed from Middlesex to another county where the government was more powerful, and he was accordingly compelled to abandon it ; the election of Sheriffs of London and Middlesex was so conducted as to secure the return of the court candidates ; and a minion of the court was fraudulently declared elected Lord Mayor of London. Under these circumstances, it is not surprising that he lost his confidence in the weapons which he had previously used with so much success against the government, and that he joined in the plots for its overthrow. Added to this he was now suffering from great physical pain and debility, and from a morbid fear of being again committed to prison.

It had been his intention to bring forward the Duke of Monmouth, the eldest of the King's natural children, as successor to the throne, if the Exclusion Bill had passed ; but he now went a step farther, and determined to do by force what he had failed to do by constitutional means. He plotted with Russell and Sidney, and with West, Rumsey, and Ferguson ; and, impatient of delay, he went farther and faster than his associates wished to go. But he was closely watched by the court spies, and often found it necessary to change his place of residence. At length, in November, 1682, he received information which satisfied him that all his intrigues had been discovered, and that his only safety was in immediate flight. He accordingly quitted his place of concealment, which was searched only a few hours after his departure, and, disguising himself as a Presbyterian minister, he left London in the night, accompanied by one of his friends who was also disguised. They proceeded directly to Harwich, where he remained several days, narrowly escaping detection, and at length succeeded in embarking for Amsterdam.

Here he was kindly received, and the worthy burghers, forgetting the injuries which he had inflicted on their country, admitted him to the rights of citizenship, and hung his portrait in the City Hall. But he did not long enjoy these honors. He was soon afterward attacked with a severe fit of the gout, which terminated fatally on the 21st of January, 1683. He was not much above sixty-one years of age, but his irregular life, and the accident which happened to him on his first visit to Holland, as well as his fiery energy and restless activity, had broken down a constitution naturally good, and made him prematurely old.

His new countrymen testified their grief at his death by going into mourning, and by directing that no tolls or fees should be levied on his corpse or his personal effects, in any place through which they might pass on the way to England. His body was borne from these friendly shores in a ship hung in black, and on its landing at Poole in Dorsetshire, Shaftesbury's native county, it was received by all the principal gentlemen of the county. Thence it was conveyed to Wimborne St. Giles, where the funeral was solemnized ; and, forgetting all their past animosities, friends and foes alike joined the procession

which attended the remains of the great politician to their final resting-place.

In the long line of English statesmen, from Lord Burleigh to Sir Robert Peel, there is no more conspicuous name than that of Shaftesbury. There are in that splendid catalogue men to whose lofty virtue and pure patriotism his profligacy and factiousness present only a sad contrast,—men of a more profound acquaintance with the principles of the English Constitution, of more consistent opinions, and who occupied a foremost place in public life for a longer period. But there is not one who possessed a more acute or a more penetrating intellect than Shaftesbury, who exercised a larger influence than that which he sometimes wielded, or who identified his name with any measure of more transcendent importance than the Habeas Corpus Act. At the same time, his course through life was characterized by unrivalled sagacity in the management of party intrigues, and by a boldness scarcely less remarkable. To his keen eye the changes of political fortune were more quickly revealed than they were to any of his contemporaries, and he seemed always to guide, rather than to follow, the current of popularity ; or, as Butler very happily expresses it in *Hudibras*, he

“ got the start of every state,
And at a change ne’er came too late.”

As an orator he was pointed in attack and skilful in defence ; and, if we except Halifax and Bolingbroke, he had till the time of Chatham few or no rivals as an eloquent and effective speaker. Very few of his speeches, it is true, have come down to us, except in imperfect and fragmentary reports ; but even in these there are many passages of fervid eloquence, which, when first spoken, must have thrilled every auditor.

Shaftesbury’s personal character presents little that is attractive, except uniform courtesy in private life. His licentiousness was notorious even in that profligate age, and the character of Antonio in Otway’s “*Venice Preserved*” was drawn as a portrait of him, though some of his biographers have ventured, in the face of undoubted facts, to describe him in very different language, and as being free from the gross immoralities of his time. It has often been asserted by them,

that he never took bribes; and this is probably true as to his dealings with Louis XIV. and the agents of France, and indeed as to all his transactions in the latter part of his life. But it is not true that his hands were always clean, or that he always bore the reputation of unchallenged integrity. Pepys records one instance within his own knowledge in which Shaftesbury took money as a bribe; and there were doubtless many other cases of a similar character. Under date of May 20th, 1666, the laborious Secretary writes, in his Diary, with much simplicity and honesty, that Mr. Yeabsly "hath this day presented my Lord Ashley with £100 to bespeak his friendship to him in his accounts now before us; and my Lord hath received it, and so I believe is as bad, as to bribes, as what the world says of him." The next day the worthy diarist returns to the subject, and writes: "It is stupendous to see how favorably and yet closely my Lord Ashley carries himself to Mr. Yeabsly in his business, so as I think we shall do his business for him in very good manner. But it is a most extraordinary thing to observe," he adds, "and that which I would not but have had the observation of for a great deal of money." On two other occasions he again refers to his knowledge of the fact that Shaftesbury was bribed by Yeabsly. An instance so well authenticated as this is sufficient to prove that his Lordship was not above the lust of dishonest gain.

That he was a zealous Protestant, and that in all his measures he had regard mainly to the interests of Protestantism, has also been asserted by his admirers; but his conduct, when calmly investigated, does not admit of so favorable an interpretation. It is doubtless true that he was more attached to Protestantism than to any other system of religious opinions; but it is not less true, that he thought more of its usefulness as an engine of party warfare, and as a means of his own aggrandizement, than he did of its doctrines and its precepts. He was avowedly a member of the Church of England; but on several points his views were very far from being orthodox according to the received standards of the age in which he lived.

In politics he had no settled theories of government, and no large views of either foreign or domestic policy. He probably regarded a limited monarchy as best adapted to the wants of

the English people ; but he was at all times ready to give his support to any party and any measures from which he hoped to derive personal advantage. He accordingly attached himself in succession to every party in the state, and he deserted each in turn with equal readiness. In any just estimate of his political character he must stand as the chief type of those politicians who regard the possession of power as of infinitely greater importance than the maintenance of any principles. Many of his measures, however, were wise and beneficial, though they were generally framed for mere party purposes, and were supported in a factious spirit.

In attempting to estimate the nature and extent of his influence we are inclined to attach great importance to the agreeableness of his manners, the liveliness of his conversation, and the brilliancy of his repartees, as well as to his extraordinary political sagacity. Though he lived in the midst of the Civil War, and participated in all the fierce party conflicts of the Commonwealth and the Restoration, he managed to preserve till the last years of his life his reputation as a courteous gentleman and an agreeable companion in social intercourse. To this he owed his introduction into public life, and he ever afterward made it a means of strengthening his personal and party interests. In public he waged an unrelenting warfare, and cared nothing about the weapons which he used, if they were only effective ; but in private life he cultivated the suavity of manners which politicians too often neglect. His conversation was lively and entertaining, and his wit was free from any taint of bitterness.